

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:30 A.M. on Wednesday, June 4, 2003.

PRESENT: Ted Dziurman
Rick Kessler
Bill Nelson
Tim Richnak
Frank Zuazo

ALSO PRESENT: Mark Stimac
Ginny Norvell
Pam Pasternak

ITEM #1 – APPROVAL OF MINUTES – MEETING OF MAY 7, 2003

Motion by Kessler
Supported by Nelson

MOVED, to approve the minutes of the meeting of May 7, 2003 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES OF MAY 7, 2003 CARRIED

ITEM #2 – VARIANCE REQUESTED. VENKATA MUKTEVI, 291 FORTHTON, for relief of Chapter 83 to install a 6' high fence.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to install a 6' high fence in the required front setback. Section 30.10.06 requires a 25' minimum front setback in R-1E Zoning Districts. The site plan submitted indicates that the proposed 6' high fence along the side property line on the west side would be out to the front property line in the required front setback. Chapter 83 limits fences in required front setbacks to 30" in height.

Mr. Muktevi was present and explained that there is a detention pond located west of his property. Mr. Muktevi considers this a safety hazard due to the fact that it contains stagnant water, and also feels that it represents a danger to his young children. Mr. Muktevi went on to say that he has spoken with both the City of Troy Engineering Department as well as the City Attorney's office in order to get the developer back out to properly take care of this area.

Mr. Dziurman asked what the problem has been with this area and Mr. Stimac explained that the detention pond has not been approved by the Engineering Department. The Engineering Department is holding the bond posted by the developer until this matter has been taken care of. Mr. Stimac also said that the developer has started a court case to get his bond money back, because he feels he has done what he was supposed to do. Mr. Stimac further said that detention ponds are required to be a "one on six slope" and are not required to be fenced. Mr. Stimac said that if a detention pond had a greater slope a fence would be required.

ITEM #2 – con't.

Mr. Richnak stated that the City Attorney's office is making the developer complete this pond to comply with the standards set by the City of Troy. Mr. Richnak also said that he felt that the Engineering Department should confirm the fact that this detention pond is on a "one on six slope".

Mr. Muktevi said that he had a letter stating that this pond was not in compliance with the City's standards and Mr. Richnak asked to see the letter. The letter states that final grading needs to be done and Mr. Richnak explained that this means that the ground around the pond would be leveled in order to allow for the restoration of turf that surrounds the pond, as well as having this area cleaned up. Mr. Richnak again stated that he believes it would be up to the Engineering Department to confirm that this pond has been built to City standards in that it has a "one on six slope".

Mr. Dziurman asked if a privacy fence could be put up at the back of the property and Mr. Richnak said that he thought a fence could be installed from the wall at the south end of the property to the east side of the house, and this would protect Mr. Muktevi's children from the pond. Mr. Stimac confirmed that a fence could be installed to enclose the rear yard of the property.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are six (6) written approvals on file. There are three (3) written objections on file.

Motion by Richnak
Supported by Kessler

MOVED, to postpone the request of Venkata Muktevi, 291 Forthton, for relief of Chapter 83 to install a 6' high fence in the required front setback to the next regularly scheduled meeting of July 2, 2003.

- To allow the Building Department to contact the Engineering Department to confirm that this pond has been constructed on a "one on six slope".
- To contact the City Attorney's office to determine the status of their contact with the developer.

Yeas: All – 5

MOTION TO POSTPONE REQUEST UNTIL THE MEETING OF JULY 2, 2003
CARRIED

ITEM #3 – VARIANCE REQUESTED. CURTIS CHILDS, 1931 ATLAS CT., for relief of Chapter 83 to install a 48” high white vinyl non-obscuring fence.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to install a 48” high white vinyl non-obscuring fence. This lot is a double front corner lot. As such it has front yard requirements along both Atlas Dr. and Atlas Court. Chapter 83 limits fences in required front yard setbacks to 30” in height. The permit application indicates a 48” high non-obscuring fence in the required setback along the east property line along Atlas Dr.

Mr. Curtis Childs was present and stated that the current fence is a split rail fence that is rotted and falling down. Mr. Childs also said that presently, he and his wife have two children and another on the way, and his wife runs a day care center and he is concerned that one of the children could get hurt on the existing fence. Mr. Childs further stated that he had spoken to his neighbors and does not believe that they would object to this new fence.

Mr. Richnak stated that looking at the fence it is apparent that it has been there for a long time, and that from the pictures Mr. Childs submitted he could see that other homes in the area had 48” high fences in the front setbacks. Mr. Richnak asked if Mr. Stimac knew if these fences had required variances, or if the Ordinance had changed after these fences were installed. Mr. Stimac said that the Ordinance dates back to around 1976 or 1978 and believes that this sub was developed back in 1965. Mr. Stimac also said that it was possible that these other homes had required variances, but he could not say for sure.

Mr. Kessler stated that he had driven by the property yesterday and feels that this is quite a large yard and does not think it is necessary to go up to the front corner of the garage. Mr. Kessler asked if it would be possible to only take the fence up to the side garage door. Mr. Childs said he would be very happy to install the fence up to the side garage door.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are two (2) written approvals on file. There are no written objections on file.

Motion by Nelson
Supported by Richnak

ITEM #3 – con't.

MOVED, to grant Curtis Childs, 1931 Atlas Ct., relief of Chapter 83 to install a 48" high white vinyl non-obscuring fence.

- Fence will be installed from the side entry door of the garage.
- Variance is not contrary to public interest.

Yeas: All – 5

MOTION TO GRANT REQUEST CARRIED

ITEM #4 – VARIANCE REQUESTED. PREMIERE SIGN SOLUTIONS, INC., 1895-1955 STEPHENSON, for relief to add 28 square feet of signage to an existing secondary ground sign.

Mr. Stimac explained that the petitioner is requesting relief of the Sign Ordinance to add 28 square feet of signage to an existing 36 square foot secondary ground sign, which will result in a total of 64 square feet for this second ground sign. Section 9.02.05 of the Sign Ordinance limits the size of a secondary ground sign to not more than 36 square feet.

In March 2003 this Board granted a 90-day variance to allow the petitioner to maintain an existing ground sign, until they could remove the connector between these two buildings in order to make the buildings totally separate. Petitioner has determined that this would not be cost effective and therefore is now appearing before the Board asking for a modification of their request.

Mr. Rick Briggs from Premiere Sign Solutions, Inc. was present and stated that they are actually asking for a re-allocation of the square footage allowed for signage. Mr. Briggs said that there is an existing 100 square foot sign and a 36 square foot sign. Mr. Briggs explained that the owner would agree to downsize his sign from 100 square feet to 72 square feet in order to allow this proposed secondary ground sign, which will be 64 square feet.

Mr. Richnak asked if the two signs on the fence would be removed and Mr. Briggs stated that they would be removed.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one written approval on file. There are no written objections on file.

Mr. Zuazo asked how many tenants were in the second building and Mr. Briggs stated that presently there are three. Mr. Zuazo then asked if any other tenants would be moving in and Mr. Briggs said that if any other tenants came in for a variance for more

ITEM #4 – con't.

signage, he felt the City would be justified in limiting the size of the sign. Mr. Zuazo then asked why they did not separate these buildings. Mr. Briggs said that they found that this separation would be too costly.

Motion by Kessler
Supported by Nelson

MOVED, to grant Premiere Sign Solutions, Inc., 1895-1955 Stephenson, relief to add 28 square feet of signage to an existing secondary ground sign, which will result in a total of 64 square feet for the second ground sign

- Total area of ground signs is still within ordinance allowance.
- Variance request is not contrary to public interest.
- Variance is not contrary to public interest.

Yeas: All

MOTION TO GRANT REQUEST CARRIED

ITEM #5 – VARIANCE REQUESTED. WILLIAM CHOLEWKA, 945 STEPHENSON,
for relief of the Building Code regarding firewalls and the storage of chemicals.

Mr. Stimac explained that the petitioner is requesting relief of the Building Code to accept Fire Barriers to create “building areas” in lieu of Fire Walls and also to allow the number of control areas in a 1-story building to exceed the value that is in Table 414.2.2 of the Michigan Building Code.

Mr. William Cholewka, Mr. Richard Hill and Mr. Frank Lawson of DuPont, and Ms. Sarah Rice, of Schirmer Engineering Corporation, were present. Ms. Rice stated that during an on-site inspection by the City of Troy Fire Department a lot of materials stored on site were found and the Fire Department wanted to know what they were for. Ms. Rice explained that Schirmer Engineering Corporation was hired to come in and assess this building to determine its safety.

Ms. Rice said that they would like the City to consider the concept of using fire barriers instead of firewalls and also the concept that this is four separate buildings rather than one. Ms. Rice explained that this building is used primarily for the research and development of new products for cars, the main one being paint. The building is still used in the same manner it was when it was originally constructed back in 1972. In 1972 this building consisted mainly of labs and offices. At that time, although not required to do so DuPont added a sprinkler system. In 1978 a one-story addition was added to this site. This addition was used primarily for shipping, receiving and maintenance. Between 1986 and 1989 another one-story addition was added to this building, which provided research laboratories and a worker’s locker room, and 4-hour

ITEM #5 – con't.

fire rated walls were installed. Any of the openings in these walls were protected with fire rated doors. Ms. Rice said that DuPont made sure all of these areas were sprinklered. Ms. Rice also said that all of the research areas were constructed on the outer perimeter of the building.

Ms. Rice stated that in every instance DuPont had upgraded all safety measures including an emergency alarm system, an electronic key entry and exit system, which allows DuPont's security personnel to have an accurate picture of where each employee is located in the building in case of an emergency. Ms. Rice also explained that the units are segmented and compartmentalized and that the overall egress system capacity is way over the requirement based upon the occupant load. Personnel are trained to handle all types of material and the fire system is considered to be adequate.

Mr. Dziurman clarified that nothing has been changed in the building but the reason for this request was because the code had changed. Mr. Stimac explained that the code has changed and items that are stored have changed classifications. Ms. Rice stated that H3 and H2 materials are basically flammable liquids, but are not explosive liquids.

Mr. Nelson stated that he has been working closely with DuPont for the past two years and is comfortable with the way the building is utilized.

Mr. Dziurman asked what would happen if this building were to be expanded again, and Mr. Lawson said that based upon the parking requirements he does not think there is any way they can expand this building. Mr. Lawson further stated that in the corporate plans they have made there is no forecast of any type of building to take place at this facility.

Mr. Kessler asked if the entire facility had a sprinkler system and Mr. Lawson confirmed that the entire building was sprinklered. Mr. Kessler then asked if the building complied with emergency exits for personnel. Mr. Cholewka explained that in each control area there are fire doors and these areas are compartmentalized. Ms. Rice explained that the walls are rated with a 2-hour fire rating and that in case of an emergency the doors automatically close; however, each area has an emergency exit that connects from one room to another. Mr. Kessler then asked if rated doors and corridors were provided and Ms. Rice said that because they have "B" occupancy no rated corridors are provided for.

Mr. Kessler then stated that he was trying to determine the hazards that exist in each control area. Mr. Hild stated that the labs are all on outside wall and any large quantities of chemicals are handled at the out buildings. Mr. Hild explained that the spray rooms have rated fire doors and if there is a loss of ventilation the spraying automatically stops. Mr. Kessler then asked what the construction of the corridors consisted of and Mr. Lawson replied that they are concrete block. Ms. Rice then stated that within each control area there is also compartmentalization. Mr. Hild said that

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DuPont has always been self-insured and although there have been minor incidents, nothing catastrophic has happened. Mr. Hild also said that this building has been created to allow people to escape and believes that the compartmentalization allows for extra time for exiting. Mr. Hild also went on to say that the code requires 1-hour fire rating and DuPont has walls enclosing the different control areas that are rated for 2-hours.

Mr. Kessler asked how many people are employed at this facility and Mr. Lawson said that in the main part of the building there are approximately three-hundred (300) people during the day, and approximately two-hundred (200) people on the other shifts.

Mr. Stimac asked how the system works when the doors close automatically. Mr. Cholewka stated that in case of an emergency all of the doors close simultaneously. Mr. Stimac then asked about the construction type of the building and Ms. Rice replied that it has cement block walls but that the steel was un-protected.

Motion by Kessler
Supported by Nelson

MOVED, to grant William Cholewka, 945 Stephenson, relief of the Building Code regarding firewalls and the storage of chemicals.

- Based on information provided by petitioner regarding materials, quantities, handling, training and operations, this building would provide a level of safety equal to what the code requires.
- The control areas are separated by two-hour fire resistance rated assemblies where only one hour is required.
- Based on the fact that several of the control areas are further compartmentalized by rated assemblies.
- Means of egress capacity is provided for in excess of what the code requires.

Yeas: All – 5

MOTION TO GRANT REQUEST CARRIED.

The Building Code Board of Appeals meeting adjourned at 10:08 A.M.

MS/pp